THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25385 of 2006

06.12.2006

Between:

L.V.Raghavendra, S/o.J.Laxmikanth
And others

… Petitioners

AND

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And another

… Respondents

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WRIT PETITION No.25385 of 2006

ORDER:

The petitioners statedly purchased the land admeasuring 400 Sq.yards (plot No.54) in survey No.74/5 situated in the layout of Balamrai Coop Housing Society Limited, Mahendra Hills, Secunderabad. They purchased the same from one Dr.K.Vijayalaxmi, W/o.Sri Dr.Satyanarayana for a consideration of Rs.4,00,000/- and took possession of the land. It is alleged that on 16.10.2006 the petitioners presented sale deed before the third respondent for registration. The third respondent received the sale deed under P.No.107 of 2006 and issued receipt No.9958 and it is pending with the third respondent. Alleging that the action of the third respondent in not registering and releasing the document placed before him as illegal and arbitrary, the present writ petition is filed.

Heard learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General-T). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the third respondent or any other Registering Officer, that as and when the petitioner submits the document for registration, the same may be accepted and considered for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of

the Registering Officer to record and furnish reasons under Section 71 of the Act. No costs.

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(**V.V.S.RAO,J**)

December 06, 2006.

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